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Senate Bill _____
By

House Bill No.HB0107
By Walley

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 13, Part 1, and Title 55, Chapter 8, Part 1, relative to liability and compensation resulting from the pursuit of certain persons by law enforcement officials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-108, is amended by deleting the second sentence of subsection (e) and substituting instead the following:

Law enforcement officers and their employers shall not be liable for injuries to any third party that is proximately caused by a person who is unlawfully fleeing pursuit by law enforcement officers. The decision to initiate or to continue a pursuit shall not be deemed to be a proximate cause of an accident caused by the willful, wanton or negligent operation of a vehicle by a fleeing suspect.

SECTION 2. Tennessee Code Annotated, Section 29-13-105, is amended by adding the word "or" at the end of subsection (1)(B) and by adding the following new subsection (1)(C):

(C) The operator of the motor vehicle or watercraft directly causing the death or injury was, at the time of such death or injury:

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(i) an actual or suspected violator of the law who was fleeing from the pursuit of a law enforcement officer; or

(ii) a law enforcement officer who was pursuing an actual or suspected violator of the law.

SECTION 3. This act shall take effect on July 1, 1995, the public welfare requiring it and shall apply to any cause of action or death or injury occurring on or after such date.

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